

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SHAW'S SUPERMARKETS, INC., )

Plaintiff, )

v. )

UNITED FOOD AND COMMERCIAL )  
WORKERS UNION, LOCAL 791, )  
AFL-CIO, )

Defendant. )

Civil Action No.

04cv11219 DPW

**ATTORNEY'S CERTIFICATE**

I, David A. Strock, Esq., hereby certify as follows:

1. I am an attorney with the firm of Moon, Moss, McGill & Shapiro, attorneys for Plaintiff Shaw's Supermarkets, Inc. I make this certification pursuant to Fed.R.Civ.P. 65(b)(2) and in support of Plaintiff's Motion for Temporary Restraining Order.

2. On Friday, May 28, 2004, I participated in a conference call with Warren Pyle, Esq., of the law firm of Pyle, Rome, Lichten & Ehrenberg, P.C., whom I know to be counsel to Defendant United Food and Commercial Workers Union, Local 791. During that conversation, I informed Attorney Pyle that Plaintiff Shaw's intended to file a Motion for a TRO regarding the AAA arbitration, matter number 11-300-02475-03, the following week.

3. On June 2, 2004, Richard G. Moon, Esq., another attorney in my office, exchanged e-mail messages with Attorney Pyle confirming that the Motion for TRO would be filed on or before Friday, June 4, 2004.

4. On June 3, 2004, at approximately 5:00 p.m., I left a voice mail message for Attorney Pyle in which I informed him that Shaw's would be filing a complaint, the Motion for a

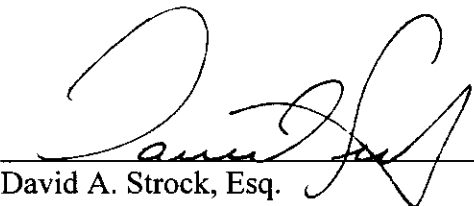
TRO, and related documents on Friday, June 4, 2004. I also informed him that we would request a hearing date from the Court for the TRO early the following week and that we would inform Attorney Pyle of the hearing date once it was scheduled.

5. On June 4, 2004, at approximately 11:20 a.m., I spoke with Attorney Pyle and informed him that the Complaint and associated documents had been sent overnight mail to the Court, a copy of which was faxed to his office. I also informed Attorney Pyle that Shaw's would be filing the Motion for TRO and associated documents with the Court on June 4, 2004 (with a copy faxed to Attorney Pyle's office) and would be requesting a hearing for early next week. Attorney Pyle indicated he would be available for a hearing on June 8th and possibly June 9th.

6. I respectfully submit that no further notice should be required as Shaw's will sustain irreparable injury if it is forced to proceed with the arbitration.

7. No prior application for the relief herein sought by Plaintiff or for similar relief has been made to any court or judge of the United States or of any state.

DATED: June 4, 2004  
Portland, Maine



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